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In re Application of
Ian Stuart PARDOE : DECISION ON
Application No.: 10/049,401 :
PCT No.: PCT/GB00/01233 :
Int. Filing Date: 30 March 2000 :
Priority Date: 01 April 1999 : PETITION UNDER
Attorney's Docket No.: S1011/20127 :
For: ANTIVIRAL COMPOSITION : 37 CFR 1.137(b)

This is in response to "Petition To Revive Unintentionally Abandoned Application Under 37 C.F.R. §1.17(m)" filed on 12 February 2002, which is being treated as a petition under 37 CFR 1.137(b).

BACKGROUND

On 30 March 2000, this international application was filed, which claimed an earliest priority date of 01 April 1999.

A Demand was filed on 25 October 2000 for the above international application. Accordingly, the deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 01 October 2001. This international application became abandoned with respect to the United States at midnight on 01 October 2001 for failure pay the basic national fee.

On 12 February 2002, applicant filed in the United States Patent and Trademark Office (PTO) the instant petition, and a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the U.S. basic national fee, and an executed declaration.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371 date of this application is **12 February 2002**.

The required fees of \$640.00 (petition fee) and \$65.00 (the surcharge under 1.492(e) for late filing of the declaration) has been charged to Deposit Account No. 03-0075 as authorized in the petition.


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